
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

Vincent Paul Barela,

Plaintiff,

v.

JILL CASTRO, County Housing; UTA TRAX
OFFICER PETERSON,

Defendant.

REPORT AND RECOMMENDATION

Case No. 2:16-cv-00253-CW-BCW

District Judge Clark Waddoups

Magistrate Judge Brooke Wells

This matter is before the Court on Defendant Jill Castro's¹ ("Ms. Glover") Verified Motion to Quash Service of Process.² Plaintiff filed his Complaint against Defendants on April 6, 2016.³ Ms. Glover filed this motion on April 18, 2016, seeking an order quashing the service of process for insufficient service of process under Fed. R. Civ. P. 12(b)(5), and a finding that due to insufficient service of process, the Court lacks personal jurisdiction over Ms. Glover.

Defendant Jill Castro argues that service of process was insufficient because Plaintiff dropped a copy of the Complaint off in the mail slot for the manager at Salt Lake City Housing Authority, even though Ms. Glover is not associated with Salt Lake City Housing Authority. Although a member of the Salt Lake City Housing Authority passed a copy of the Complaint to Ms. Glover, there was no summons attached. Moreover, Ms. Glover does not know who

¹ Although Jill Castro is a named defendant, she now goes by Jill Glover. The Court will refer to this defendant as Ms. Glover.

² Docket no. 4.

³ Docket no. 2.

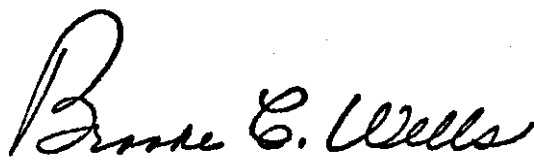
dropped the Complaint in the mail slot, but believes it may have been Plaintiff himself.⁴ Plaintiff has not opposed Ms. Glover's Motion, and the time to do so has now passed.

Given the foregoing, and the fact that Ms. Glover's Motion is unopposed, the Court RECOMMENDS Plaintiff's Complaint be quashed, thus the Court has no personal jurisdiction over Ms. Glover. The deadline to properly serve Defendants has not yet passed, however, the Court cautions that Plaintiff's claims against Defendant will be subject to dismissal under Rule 12(b)(5) for insufficient service of process if service is not made within the time period specified in Fed. R. Civ. P. Rule 4(m).

NOTICE:

Copies of this Report and Recommendation are being sent to all parties who are hereby notified of their right to object.⁵ Within fourteen (14) days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of Court. Any objection must be filed within this deadline. Failure to object may constitute a waiver of objections upon subsequent review.

DATED this 26 May 2016.

A handwritten signature in black ink, reading "Brooke C. Wells". The signature is written in a cursive, flowing style. The first name "Brooke" is written with a large, stylized 'B' that loops around the first few letters. The last name "Wells" is written in a more standard cursive. The signature is positioned above a horizontal line.

Brooke C. Wells
United States Magistrate Judge

⁴ Fed. R. Civ. P. 4(c) requires a "person who is at least 18 years old and *not a party*" to serve the summons and complaint.

⁵ See 28 U.S.C. §636(b)(1).